

## **EXHIBIT F**

**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Northern  
California

**IRAP**

International Refugee  
Assistance Project

  
**muslim advocates**  
PROMOTING FREEDOM & JUSTICE FOR ALL

May 30, 2019

**Via E-Mail and Certified Mail, Return Receipt Requested**

**U.S. Department of Justice**  
David M. Hardy, Director  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, N.W.  
Washington, DC 20530-0001  
foipaquestions@fbi.gov

**Re: Appeal of FBI Responses to Requests Under Freedom of Information Act**

Dear Mr. Hardy:

In a communication dated February 25, 2019, the American Civil Liberties Union of Northern California, Muslim Advocates, and the International Refugee Assistance Project (collectively "Requestors") submitted Freedom of Information Act ("FOIA") requests to the FBI, among other agencies, for information pertaining to the surveillance and criminal investigation of refugees in the United States of America. In response letters dated March 11, 2019 (each corresponding to one of our FOIA requests), you stated that your agency is administrative closing all but one of our requests. We write to appeal those closure decisions.

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## **Your Responses**

Specifically, as to requests NFP-105033, NFP-105035, NFP-105036, NFP-105042, NFP-105043, NFP-105044, you wrote:

Your letter does not contain enough descriptive information to permit a search of our records. Therefore, your request is being administratively closed. In accordance with Title 28, Code of Federal Regulations, Part 16.3(b), please provide us more specific information.

You then list examples of specific information, including complete names of individuals, organizations/events, specific time frame, and specific location.

As to requests NFP-105037, NFP-105038, NFP-104039, NFP-105040, NFP-105045, you wrote that each request is “not searchable in our indices” and therefore “is being administratively closed.” You wrote that “the FBI Central Records System is not arranged in a manner that allows for the retrieval of information in the form for which you have requested. Items are indexed according to individual investigator interests.”

As to request NFP-105041, you wrote both that the request is not searchable in the FBI’s indices and that it does not contain enough descriptive information to permit a search of agency records.

Only as to one request, FOIPA Request No. 1430692-000, did you indicate that the request is being processed.

## **Basis for Appeal**

Agency regulations require only that requestors “describe the records sought in sufficient detail to enable Department personnel to locate them with a reasonable amount of effort.” 28 C.F.R. § 16.3(b). The regulations go on to state, “To *the extent possible*, requesters should include specific information that may assist a component in identifying requested records,” and lists several ways that information can be specified. *Id.* (emphasis added). If a component determines that a request “does not reasonably describe the records sought, the component shall inform the requester what additional information is needed or why the request is otherwise insufficient.” *Id.* A requester may also attempt to reformulate a request by discussing it with various of the component’s FOIA officers. *Id.*

You administratively closed requests NFP-105033, NFP-105035, NFP-105036, NFP-105041, NFP-105042, NFP-105043, NFP-105044 because of our asserted failure to describe the records sought. But those requests do “describe the records sought in sufficient detail to enable” FBI personnel “to locate them with a reasonable amount of effort.” The requests are based on detailed definitions and apply only to the period since January 19, 2017. Our

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understanding is that the agency should be able to use search terms in its various databases to identify responsive information. In any event, your office has not informed us – beyond boilerplate suggestions that do not apply in the context of our specific requests – “what additional information is needed or why the request is otherwise insufficient.” 28 C.F.R. § 16.3(b).

You have also administratively closed NFP-105037, NFP-105038, NFP-104039, NFP-105040, NFP-105041, NFP-105045 based on the claim that each request is “not searchable in our indices.” We are open to reformulating these requests to allow a search of the indices that would result in the identification of responsive information. Please contact Sean Riordan at [sriordan@aclunc.org](mailto:sriordan@aclunc.org) to communicate about such reformulation or let us know who at the FBI could assist with this.

Thank you for your attention to this matter.

Sincerely,

Sean Riordan  
Senior Staff Attorney  
ACLU-NC

Sirine Shebaya  
Interim Legal Director  
Muslim Advocates

Mariko Hirose  
Litigation Director  
International Refugee Assistance Project